

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri T.Kullayappa, the then Town Planning Supervisor, Ananthapur Municipality (now retired) – Trapped by Anti Corruption Bureau for demanding and accepting the illegal gratification from the complainant for showing official favour – Acquitted by the Special Court of Anti Corruption Bureau Cases – Criminal appeal filed before the High Court of A.P. - Releasing of pensionary benefits pending finalization of Criminal Appeal/W.P. – Orders – Issued.

MUNICIPAL ADMN. & URBAN DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Rt.No. 1638

Dated: 17/12/2009

Read the following:

1. From the Director of Town & Country Planning, Hyd., Procdgs No.10790/94/M2-1 and 2, dated:22-04-1995.
2. Judgment of the Addl. Special Judge for SPE & ACB cases Dated.16-09-2005 in C.C.No:20/1995.
3. From the Director General, Anti Corruption Bureau, A.P., Hyderabad Lr.No:78/RCT-ATP/1994, dated:10-10-2005.
- 4 Govt. Memo No:17167/V.III/2004-3, dated:07-11-2005.
5. Orders of A.P.A.T., Dated 22.7.2009, in OA.No:7027/2006 filed by Sri T.Kullayappa, Town Planning Supervisor (Retired), Ananthapur Municipality.
6. Govt.Memo.No.17167/Vig.III/2004-15,Dt. 15.10.2009.
7. From the High Court of A.P., Orders, Dated 10.11.2009 in W.P.M.P.No.29773 of 2009 in W.P.No.22929 of 2009.
8. Orders of A.P.A.T., Dated 25.11.2009, in C.A.No.796 of 2009 in OA.No.7027/2006 filed by Sri T.Kullayappa, Town Planning Supervisor, (Retired), Ananthapur Municipality.

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ORDER:

Sri T.Kullayappa, Town Planning Supervisor and another of Ananthapur Municipality were trapped on 19-05-1994 when they demanded and accepted illegal gratification of Rs.10,000/- from the Complainant in showing official favour in approving the factory plan. The Director of Town and Country Planning has issued prosecution orders to prosecute the above two accused officers in the Anti Corruption Bureau Court vide reference first read above. Subsequently both the accused officers retired from service on attaining the age of superannuation

In the reference 2nd read above, the Addl. Special Judge for SPE & Anti Corruption Bureau Cases, Hyderabad, has Pronounced the Judgment acquitting the Accused Officer Sri T.Kullayappa, the then Town Planning Supervisor, Ananthapur Municipality of the charges framed against him.

In the reference 3rd read above, the Director General, Anti Corruption Bureau, has requested the Government to permit the standing Counsel of the Bureau to prefer an appeal in the AP, High Court against the acquittal of Sri T.Kullayappa, the then TPS., Ananthapur Municipality. In the reference 4th read above, Government have accorded permission to the Director General, Anti Corruption Bureau, to prefer an appeal in the A.P. High Court. Accordingly, the Director General, Anti Corruption Bureau, has filed a Criminal Appeal No.1125/2006, in the High Court on 4.09.2006, against the acquittal orders of the trial court.

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In the reference 5th read above, on the O.A. filed by Sri T.Kullayappa, the then Town Planning Supervisor, before the A.P.Administrative Tribunal A.P. Administrative Tribunal for release of pension and gratuity etc., the Hon'ble A.P. Administrative Tribunal while allowing the O.A., directed the Government to release the retirement benefits and full pension to Sri T.Kullayappa, the then Town Planning Supervisor, Ananthapur Municipality and calculate the interest @ 8% on the retirement benefits from the date of the Judgment of the Trial Court in C.C.No.20/1995 on 16.9.2005 till date of payment with liberty to deduct any amount that are due towards any other accounts, if not already deducted.

In the reference 6th read above, Government have filed W.P.No.22929/2009 before the Hon'ble High Court of A.P. with a plea to quash the orders of the A.P.Administrative Tribunal, passed on 22-07-2009, in O.A.No.7027/2009 and pending disposal of the Writ Petition to suspend the orders dated 22.7.2009 of the A.P.Administrative Tribunal.

In the reference 7th read above, the High Court of A.P. in its Orders, Dated: 10.11.2009 in W.P.M.P.No.29773 of 2009 in W.P.No.22929 of 2009 has ordered interim suspension in so far as the payment of interest component on the pensionary benefits payable to Sri T.Kullayappa, the then Town Planning Supervisor, as ordered by the Tribunal and making it clear that in the event of the Government loses Criminal Appeal, the interest shall be paid by the Government.

In the reference 8th read above, the Hon'ble A.P. Administrative Tribunal has issued summons for compliance as ordered by the Hon'ble High Court in W.P.No.22929 of 2009.

Government, after careful examination of the matter, decided to implement the interim orders of the High Court in W.P.M.P.No.29773/2009, Dated 10.11.2009 in W.P.No.22929 of 2009 subject to the final Judgement in the matter and accordingly direct the Director of Town & Country Planning to release the retirement benefits and full pension to Sri T.Kullayappa, the then Town Planning Supervisor (Retired) except payment of interest on the pensionary benefits subject to final Judgement in W.P.No.22929/2009 and Criminal Appeal No.1125/2006 pending before Hon'ble High Court.

The Director of Town & Country Planning, Hyderabad, shall take necessary further action accordingly, in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**PUSHPA SUBRAMANYAM
PRL. SECRETARY TO GOVERNMENT(I/c)**

To
The Director of Town & Country Planning,
Andhra Pradesh, Hyderabad.

Copy to:

Sri T.Kullayappa, the then Town Planning Supervisor,
through the Director of Town & Country Planning
The Government Pleader for M.A. & U.D., A.P.
Administrative Tribunal, Hyderabad.
The Government Pleader for Services-I, High Court of A.P.,
Hyderabad.

SF/SC

//FORWARDED :BY: ORDER//

SECTION OFFICER